



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

DOUGLAS T. JOHNSON  
MILLER & MARTIN  
1000 VOLUNTEER BUILDING  
832 GEORGIA AVENUE  
CHATTANOOGA TN 37402-2289

**COPY MAILED**

**AUG 15 2008**

In re Application of	:	
Weiner, et al.	:	
Application No. 10/678,316	:	ON PETITION
Filed: October 2, 2003	:	
Attorney Docket No. 04615-0100 32,207A	:	
For: IMBEDDED VINYL FLOORING	:	
PRODUCT	:	

This is a decision on the petition under 37 CFR 1.181, filed June 6, 2008, requesting that the Office withdraw the holding of abandonment of the above-identified application.

The petition under 37 CFR 1.181 is **GRANTED**.

This application was held abandoned for failure to respond in a timely manner to the Quayle action, mailed August 20, 2007, which set forth an extendable two (2) month period for reply. The Office contended that this application became abandoned on October 21, 2007 for failure to reply. A Notice of Abandonment was mailed on May 28, 2008.

Petitioners request withdrawal of the holding of abandonment based on the assertion that a terminal disclaimer was timely filed on certificate of mailing date August 30, 2007 and received in the Office on September 4, 2007. The undersigned finds this argument completely convincing, as the terminal disclaimer is present in the application file and Office financial records shows that the required terminal disclaimer fee was previously submitted on June 5, 2006. The only outstanding issue in the August 20, 2007 Quayle action was a proper terminal disclaimer being filed. On September 14, 2007, the Office approved the September 4, 2007 (certificate of mailing date August 30, 2007) terminal disclaimer.

The petition under 37 CFR 1.181 is **granted**, the holding of abandonment is withdrawn, and the May 29, 2008 Notice of Abandonment is **vacated**. No petition fee has been or will be charged in connection with this matter.

Accordingly, the application file will be returned to Technology Center A.U. 1794 for the preparation and mailing of a Notice of Allowance and Fee(s) Due and a Notice of Allowability.

Telephone inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.



Shirene Willis Brantley  
Senior Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy